

**TITLE 10. CALIFORNIA CODE OF REGULATIONS
CHAPTER 5.6. MANAGED RISK MEDICAL INSURANCE BOARD
ACCESS FOR INFANTS AND MOTHERS PROGRAM**

ARTICLE 1. DEFINITIONS

Section 2699.100 is amended to read:

2699.100. Definitions

- (a) "Appellant" means an applicant or subscriber who has filed an appeal with the program.
- (b) "Applicant" means a pregnant woman 18 years of age or older who is applying on her own behalf, or a legal guardian or a natural parent, foster parent, or stepparent with whom the child resides, who applies for coverage under the program on behalf of a child. "Applicant" also means a pregnant woman who is applying for coverage on her own behalf who is under 18 years of age, or who is an emancipated minor, or who is a minor not living in the home of a natural or adoptive parent, a legal guardian, foster parent or stepparent.
- (c) "Application Date" means the date an application is sent to the program as evidenced by the U.S. postmark date on the application envelope, or documentation from other delivery services including fax delivery.
- (d) "Board" means the Managed Risk Medical Insurance Board.
- (e) "Coverage" means the payment for benefits provided through the program.
- (f) "Disenroll" means to terminate coverage by the program.
- (g) "Eligible" means the applicant is qualified to be enrolled in a participating health plan.
- (h) "Enroll" means to accept an applicant as a subscriber by notifying a participating health plan to accept the applicant.
- (i) "Executive Director" means the executive director for the Board.
- (j) "Family member" means the following persons living in the individual's home:
 - (1) Children under age 21, of married or unmarried parents living in the home.

- (2) The married or unmarried parents of the child or sibling children.
 - (3) The stepparents of the sibling children.
 - (4) The separate children of either an unmarried parent or a married parent or stepparent.
 - (5) An unborn child of the pregnant woman who is applying for coverage on her own behalf or on whose behalf an application has been submitted.
 - (6) Children under the age of 21, of married or unmarried parents, away at school who are claimed as tax dependents.
 - (7) The spouse of the pregnant woman.
- (k) "Federal poverty level" means the level determined by the "Poverty Guidelines for the 48 Contiguous States and the District of Columbia" as contained in the Annual Update of HHS Poverty Guidelines as published in the Federal Register by the U.S. Department of Health and Human Services.
- (l) "Gross household income" means the total annual gross income of all family members except dependent children. Income includes before tax earnings from a job, including cash, wages, salary, commissions and tips, self-employment net profits, Social Security, State Disability Insurance (SDI), Retirement Survivor Disability Insurance (RSDI), veterans benefits, Railroad Retirement, disability worker's compensation, unemployment benefits, alimony, spousal support, pensions and retirement benefits, grants that cover living expenses, settlement benefits, rental income, gifts, lottery/bingo winnings and interest income. Income excludes child support, public assistance program benefits such as SSI/SSP and CalWORKS payments, foster care payments, general relief, loans, grants or scholarships applied toward college expenses, or earned income of a child aged 13 or under, or a child attending school. Income does not include income exclusions applicable to all federal means tested programs such as, disaster relief payments, per capita payments to Native Americans from proceeds held in trust and/or arising from use of restricted lands, Agent Orange payments, Title IV student assistance, energy assistance payments to low income families, relocation assistance payments, victims of crime assistance program, Spina Bifida payments, earned income tax credit and Japanese reparation payments.
- (m) "Healthy Families Program" (HFP) means the Federal/State funded program that is operated pursuant to Title XXI of the Social Security Act and Part 6.2 (commencing with Section 12693) of Division 2 of the

California Insurance Code, and that provides low cost health, dental and vision insurance coverage to eligible children.

- (n) "Income deduction" means any of the following:
- (1) Work expenses of \$90 per month for each family member except dependent children working or receiving disability workers' compensation or State Disability Insurance. If a family member earns less than \$90, the deduction can only be for the amount earned.
 - (2) Child care expenses while a family member works or trains for a job of up to \$200 per month for each family member under age 2, up to \$175 per month for each family member over age 2 and disabled dependent care expenses of up to \$175 for a disabled dependent living in the home.
 - (3) The amount paid by a family member per month for any court ordered alimony or child support.
 - (4) \$50 for alimony payments received by the pregnant woman. If a woman receives less than \$50, the deduction can only be for the amount received.
- (o) "Infant" means a subscriber's child born to a subscriber while the subscriber is enrolled in the program.
- (p) "Living in the home" means using the home as the primary place of residence.
- (q) "Medi-Cal" means the California health care services program under Title XIX of the Social Security Act.
- (r) "Medicare" means the Health Insurance for the aged and permanently disabled provided under Title XVIII of the Social Security Act; "Part A" means Hospital Insurance as defined in Title XVIII of the Social Security Act; and "Part B" means Medical Insurance as defined in Title XVIII of the Social Security Act.
- (s) "Participating health plan" means any of the following plans which are lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health care services under insurance policies or contracts, medical and hospital service arrangements, or membership contracts, in consideration of premiums or other periodic charges payable to it, and that contracts with the program to provide coverage to program subscribers:

- (1) A private insurer holding a valid outstanding certificate of authority from the Insurance Commissioner.
 - (2) A nonprofit hospital service plan qualifying under Chapter 11a (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code.
 - (3) A nonprofit membership corporation lawfully operating under the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of the Corporations Code).
 - (4) A health care service plan as defined under subdivision (f) of Section 1345 of the Health and Safety Code.
 - (5) A county or a city and county, in which case no license or approval from the Department of Insurance or the Department of Corporations shall be required to meet the requirements of this part.
 - (6) A comprehensive primary care licensed community clinic that is an organized outpatient freestanding health facility and is not part of a hospital that delivers comprehensive primary care services, in which case, no license or approval from the Department of Insurance or the Department of Corporations shall be required to meet the requirements of this part.
- (t) "Program" means the Access for Infants and Mothers Program.
- (u) "Resident" means a person who is present in California with intent to remain present except when absent for transitory or temporary purposes.
- (v) "State supported services" mean abortion services provided to the subscribers through the program.
- (~~w~~) "Subscriber" means an individual who is eligible for and enrolled in the program.
- (~~x~~) "Subscriber contribution" means the cost to the subscriber to participate in the program.
- (~~y~~) "Tenses and Number". The present tense includes the past and future, and the future the present; the singular includes the plural and the plural the singular.
- (~~z~~) "Time". Whenever in this chapter a time is stated in which an act is to be done, the time is computed by excluding the first day and including the last day. If the last day is a holiday it is also excluded.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12695, 12695.06, 12695.08, 12695.18, 12695.20, 12695.22, 12695.24, 12696 and 12698, Insurance Code.

ARTICLE 2. ELIGIBILITY, APPLICATION, AND ENROLLMENT

Section 2699.205 is amended to read:

2699.205. Registration of Infants

- (a) For infants born to subscribers who are enrolled prior to July 1, 2004, the subscriber shall register the infant as follows:
 - (1) Within thirty (30) days of the birth of an infant, the subscriber shall notify her health plan in writing of the following information about the infant:
 - (A) Name; and
 - (B) Date of birth; and
 - (C) Sex; and
 - (D) Weight at birth.
 - (2) Within thirty (30) days prior to an infant's first birthday, the subscriber shall notify the program in writing if the subscriber wishes to disenroll the infant from the program. If notification is not received, the child is automatically enrolled for the second year.
- (b) For infants born to subscribers who are enrolled on or after July 1, 2004, the subscriber shall register the infant in the Healthy Families Program as follows:
 - (1) Upon the birth of the infant, the subscriber shall ~~provideremit~~ to the Healthy Families Program the required premium and provide the following information about the infant:
 - (A) Name; and
 - (B) Date of birth; and
 - (C) Sex; and

(D) For infants born on or after July 1, 2007:

1. Information on whether or not the infant currently is enrolled in employer sponsored health coverage and the date coverage began; and
 2. Information on whether or not the infant was previously enrolled in employer sponsored health coverage, the date coverage began, the date in which coverage terminated, and the reason for termination.
- (2) The Healthy Families Program shall request the infant's birth weight and primary care provider from the subscriber.
- (3) Subject to all requirements specified in the statute and regulations governing the Healthy Families Program, the infant will be enrolled in the Healthy Families Program with coverage effective on the date of the infant's birth.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12693.765 and 12696, Insurance Code.

The title of Article 4 is amended to read:

ARTICLE 4. SUBSCRIBER CONTRIBUTIONS AND PAYMENT FOR SERVICES

Sections 2699.400 and 2699.401 are unchanged but included for context:

2699.400. Subscriber Contributions

- (a) Subscriber contributions shall be:
- (1) An initial fifty dollars (\$50.00) to be submitted with the application; and
 - (2) For subscribers who are enrolled prior to July 1, 2004, the difference between two percent (2%) of the subscriber's gross household income, less deductions, as documented with the application and fifty dollars (\$50.00), which amount shall be due in twelve (12) equal monthly installments beginning with the first month following enrollment; and

- (3) For infants born to subscribers who are enrolled prior to July 1, 2004, one hundred dollars (\$100.00) which shall be due on the infant's first birthday unless either of following apply:
 - (A) The infant is disenrolled from the program prior to the infant's first birthday, or
 - (B) The subscriber provides written proof that the infant is current for the infant's first year immunizations. Such immunizations shall be consistent with the most current version of the Recommended Childhood Immunization Schedule jointly adopted by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. The written proof of completed current first year immunizations shall be signed by a licensed medical doctor, licensed doctor of osteopathy, registered nurse, or licensed physician's assistant. When such written notice is provided the amount shall be fifty dollars (\$50.00).
- (4) For subscribers who are enrolled on or after July 1, 2004, the difference between one and one-half percent (1.5%) of the subscriber's gross household income, less deductions, as documented with the application and fifty dollars (\$50.00), which amount shall be due in twelve (12) equal monthly installments beginning with the first month following enrollment.
- (b) There shall be no penalty for early payment of any portion of the subscriber contribution.
- (c) In cases of multiple births to a subscriber, the \$100 payment shall apply to each infant born to a subscriber who is enrolled prior to July 1, 2004.
- (d) Subscribers shall not be reimbursed by any health care provider or state or local governmental entity for payment of the subscriber contribution and shall not have any health care provider or state or local governmental entity pay the subscriber contribution.
- (e) No portion of the subscriber contribution is refundable except as provided in Sections 2699.202 and 2699.203 or unless the subscriber is disenrolled pursuant to Subsection 2699.207(a)(2)(C).
- (f) A federally recognized California Indian Tribal Government may make required subscriber and infant contributions on behalf of a member of the tribe.

- (g) An applicant in arrears of subscriber contributions shall be sent a reminder notice. Applicants who become ninety (90) days in arrears on subscriber contributions will be reported to a credit reporting agency. If accounts are paid in full at a later date, the credit reporting agency's records shall be updated.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Sections 12696, 12696.05, and 12698, Insurance Code.

2699.401. Discount for Prepayment of Subscriber Contribution

The subscriber contribution amount shall be reduced by fifty dollars (\$50) if the subscriber submits the total annual subscriber contribution amount described in Section 2699.400(a)(2) and Section 2699.400(a)(4), with her application.

NOTE: Authority cited: Section 12696.05, Insurance Code. Reference: Section 12696, Insurance Code.

Section 2699.402 is adopted to read:

2699.402. Payment of State Supported Services.

State supported services shall be paid for by State dollars only. No Federal dollars provided to the State pursuant to Title XXI of the Social Security Act shall be used.

NOTE: Authority cited: Section 12696.05, Insurance Code.
Reference: Section 12696.05, Insurance Code and 42 CFR Section 457.475.